

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION**

RETSEL CORPORATION, d/b/a  
GRAND GATEWAY HOTEL and d/b/a  
CHEERS SPORTS LOUNGE AND CASINO,  
CONNIE UHRE, and  
NICHOLAS UHRE,

*Plaintiffs,*

v.

5:24-cv-5070

Case No. \_\_\_\_\_  
Jury Trial Demanded

NDN COLLECTIVE, individually and on  
Behalf of all others similarly situated,  
SUNNY RED BEAR, individually and on  
behalf of all others similarly situated,  
NICK TILSEN, individually and on  
behalf of all others similarly situated,  
MARY BOWMAN, individually and on behalf  
of all others similarly situated, NICK COTTIER,  
individually and on behalf of all others similarly situated,  
ALBERTA EAGLE, individually and on behalf of all others  
similarly situated, BRE JACKSON, individually and on behalf  
of all others similarly situated, GEORGE BETTELYOUN,  
individually and on behalf of all others similarly situated,  
BOOKING HOLDINGS, INC., d/b/a Booking.com,  
EXPEDIA, INC., d/b/a Expedia.com, and  
THE RAPID CITY POLICE DEPARTMENT.

*Defendants.*

**COMPLAINT**

Plaintiffs Retsel Corporation, Grand Gateway Hotel, Cheers Sports Lounge and Casino, Connie Uhre, and Nicholas Uhre, allege as follows:

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action under 28 U.S.C. §1331 because this complaint involves a claim to recover damages for violations committed by the Defendants under 18 U.S.C. § 1962 which provides for redress when Plaintiffs were victims of a RICO enterprise that the Defendants were a part of.
2. This Court has supplemental jurisdiction over related state law claims under 28 U.S.C. § 1367.
3. Plaintiffs' claims for declaratory and injunctive relief are authorized by Rules 57 and 65 of the Federal Rules of Civil Procedure, and the general legal and equitable powers of this Court.
4. Venue is appropriate under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in the District of South Dakota.

### **PARTIES**

5. Plaintiff Retsel Corporation does business in Rapid City, SD as the Grand Gateway Hotel and Cheers Sports Lounge and Casino.
6. The Grand Gateway Hotel and Cheers Sports Lounge and Casino are located on the same property at 1721 N Lacrosse Street, Rapid City, South Dakota.
7. Plaintiff Retsel Corporation is a South Dakota Corporation.
8. Plaintiffs Connie Uhre and Nicholas Uhre operate(d) the hotel and lounge.
9. Nicholas Uhre is a director of Retsel.
10. Defendant NDN Collective ("NDN") is a non-profit organization to benefit Native Americans.
11. Defendant NDN is a non-profit South Dakota Corporation.

12. The 2023 Annual Report filed with the South Dakota Secretary of State for NDN lists its actual address as 408 Knollwood Drive, Rapid City, SD 57701.
13. Defendant Sunny Red Bear is a Native American who resides in Rapid City, South Dakota.
14. Defendant Nick Tilsen is a Native American who resides in Rapid City, South Dakota.
15. Defendant Nick Tilsen is the President and CEO of the NDN Collective.
16. Defendant Mary Bowman is a Native American who resides in Rapid City, South Dakota.
17. Defendant Nick Cottier is a Native American who resides in Rapid City, South Dakota.
18. Defendant Alberta Eagle is a Native American who resides in Rapid City, South Dakota.
19. Defendant Bre Jackson is a Native American who resides in Rapid City, South Dakota.
20. Defendant George Bettelyoun is a Native American who resides in Coon Rapids, Minnesota.
21. All individually named defendants, Sunny Red Bear, Nick Tilsen, Mary Bowman, Nick Cottier, Alberta Eagle, Bre Jackson, and George Bettelyoun, are members and outspoken members of the NDN Collective.
22. Defendant Booking Holdings, Inc. is a corporation organized and existing under the laws of the State of Delaware. The corporation was originally incorporated under the name priceline.com Incorporated. The registered office of the corporation in the State of Delaware is 251 Little Falls Drive, Wilmington, County of New Castle, Delaware 19808.
23. Defendant Expedia, Inc. is a corporation organized and existing under the laws of the State of Delaware. The registered office of the corporation is 160 Greentree Drive, Suite 101, Dover, Kent County, Delaware 19904.

**STATEMENT OF FACTS**

24. In the summer of 2020, George Bettelyoun (“George”) and his sister Meloney Bettelyoun (“Meloney”) went to the Grand Gateway Hotel (“Gateway”) to rent a room. George was condescending and rude to Nick Uhre (“Nick”) during the check-in process. Due to George’s harsh language and hostile demeanor, Nick declined to allow George to rent a room at Gateway. Instead of leaving peacefully, George used harsh language saying he would not leave unless Nick “made [him] leave.”
25. After leaving, George posted on Facebook that Nick was “a racist,” and falsely accused Nick of “spit[ting] in his face.” George’s post went viral and resulted in Nick Uhre receiving dozens of harassing and threatening phone calls.
26. George’s post went viral and as a result, Nick Uhre, Connie Uhre, and the Gateway Hotel received dozens of harassing phone calls.
27. After George was effectively removed from Gateway, Hermus Bettelyoun (“Hermus”), cousin of George Bettelyoun, and/or Sunny Red Bear (“Sunny”) stayed at Gateway almost monthly from January 16, 2021 to April 8, 2021. They did this purposely to cause conflict between themselves and Gateway.
28. On January 16, 2021, Hermus made a reservation at Gateway, which Sunny signed for.
29. Thereafter, Sunny made a reservation to stay at Gateway from February 15, 2021 to February 18, 2021. She made this reservation through booking.com. Sunny added Hermus as a guest with her room.
30. Hermus then made a reservation to stay at Gateway from February 18, 2021 to February 19, 2021 through booking.com. Sunny signed for the room.

31. Sunny extended her stay to February 23, 2021. Sunny and Hermus signed for the room and provided IDs to be added on the reservation. These IDs were used for the previous reservations as well.
32. Hermus made a reservation to stay at Gateway from April 2, 2021 to April 8, 2021.
33. On April 7, 2021, Hermus violated Gateway's pool policy which prohibited children from being left unattended in the pool area.<sup>1</sup>
34. Instead of apologizing, or asking for forgiveness, Hermus smeared fecal matter all over the sheets and comforter which was discovered by housekeepers.
35. On March 8, 2022, illegal mining operations committed by Echaga (a subcommittee of the OST Tribal Council) was revealed. Nick Tilsen, named defendant and President of NDN, was a part of the illegal activities.
36. On March 19, 2022, Quincy Bear Robe killed – and later pleaded guilty to manslaughter – Myron Blaine Pourier at Gateway.
37. On March 20, 2022, Connie Uhre, acting as an individual and outside of her scope as an employee of Gateway or Cheers, posted on her Facebook that Natives would no longer be allowed to enter the property.
38. On March 20, 2022, Hermus forged an email making it look like it was sent from Nick Uhre and shared to Facebook which portrayed him as a racist. Hermus referred to Nick Uhre as a "Klan member."
39. The email communications were private emails between members of the Rapid City Hotel safety and security group. Hermus took an email from the thread and changed the sender

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<sup>1</sup> See Exhibit 1, Hermus acknowledged and signed the pool policy prior to violating and acting maliciously for being told he had breached his contract.

address to Nick Uhre to falsely disseminate the view that he was banning Native Americans from the property.<sup>2</sup>

40. On March 21, 2022, nearly immediately after, the Board of Directors and Owners of Retsel Corporation issued a Statement of Apology.<sup>3</sup>
41. On March 21, 2022, Nick Uhre began receiving death threats and called the police.
42. On March 21, 2022, Sunny Red Bear, Hermus, and Muffy Mousioux, along with her wife, Fulpia, came to Gateway Hotel to rent a room. These individuals recorded the incident and posted it to social media.
43. This incident was planned to create a hostile environment and defame Gateway.
44. The NDN members recorded the incident and posted the video on Facebook. Their motive was to once again, tarnish Gateway's reputation and destroy the commercial establishment.
45. On March 22, 2022, members from NDN Collective repeated these actions, and came to Gateway in an attempt "to rent rooms." It is clear that their attempt was to destroy the Uhres and Gateway. Once again, NDN members recorded the incident, attempting to defame Gateway and posted the video on Facebook.
46. At this point, there were protests on the Gateway property, damage to the property, and actions of trespass by NDN members.
47. Nick Uhre called the Rapid City Police, scared for the safety of himself, his staff, his property, and guests. Nick Uhre told the Rapid City Police about the threats and demanded these threats be investigated.
48. NDN members hung an "eviction notice" banner over Gateway's sign on their property.

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<sup>2</sup> See Exhibit 2.

<sup>3</sup> See Exhibit 3.

49. On March 22, 2022, Nick Uhre who was scared for his life and the property of his business called Rapid City police to investigate threats of violence and property damage.
50. On March 23, 2022, NDN Collective filed a class action lawsuit against Retsel Corporation.
51. On March 25, 2022, the United States Department of Justice initiated an investigation of Gateway, pursuant to Title II of the Civil Rights Act of 1964.
52. On March 26, 2022, the March on the Grand Gateway Hotel occurred. Ogala Sioux Tribe police were present in the Gateway parking lot.
53. On March 26, 2022, Expedia.com deactivated the Grand Gateway Hotel from their platform.<sup>4</sup>
54. On March 28, 2022, a lawsuit was filed against the Echaga Board. Nick Tilsen, who was a board member of Echaga, resigned the same day.
55. On April 19, 2022, Sunny Red Bear learned that the Rapid City Marshals football team contracted to stay at the Grand Gateway Hotel.
56. In turn, Sunny went to the team's practice and passed out propaganda informing the team that they would be supporting racism and warning them that they would receive negative national media attention if they stayed at the Gateway hotel.
57. Due to the risk, the team canceled the reservation.
58. On April 21, 2022, Fabiola Harford called Gateway multiple times concerned for the safety Nick Uhre's life. Nick Uhre, fearing his life was endangered, filed reports with Rapid City Council, Rapid City Police Department, the Mayor of Rapid City, and the FBI.

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<sup>4</sup> See Exhibit 7.

59. Gateway, Cheers, and the entire Uhre family have been the victim of threats, vandalism, harassment, defamation and more by the NDN Collective members for more than 3 years.
60. Nick Uhre filed a complaint with Guy T. Di Benedetto of the South Dakota Division of Criminal Investigation, regarding RCPD Officer Christian Siegel's failure to investigate the harassment NDN was causing where they continuously projected a "beam of light slogans" onto the hotel throughout all hours of the night.<sup>5</sup>
61. NDN repeatedly goes to larger commercial establishments, falsely accusing the businesses of being racist in order to extract financial settlements.<sup>6</sup>
62. On January 4, 2024, Nick Tilsen joined a podcast as a guest for an episode. He admitted that in 2022, NDN Collective was sending members to Gateway for the strict purpose of finding any discrimination. In the same interview, Tilsen repeatedly called the "Grand Gateway folks" racists.
63. Nick Tilsen is a controlling, fear mongering leader. If individuals do not abide by his orders, he threatens them.
64. Nick Tilsen made physical threats to Brandon Ferguson for getting along with "the white people."
65. On February 15, 2024, suspected NDN member, Brandon L. Ferguson filed a charge with the EEOC against the Retsel Corporation for discrimination.

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<sup>5</sup> See Exhibit 5. (Exhibit 4 intentionally omitted)

<sup>6</sup> *Target Boycott's Hidden Consequences for Indigenous Communities*, NEWSWEEK, (June 07, 2023), <https://www.newsweek.com/target-boycott-hidden-consequences-indigenous-communities-1804833>.



66. That **same day**, Bookings.com sent an email to Nick Uhre informing him that the Grand Gateway Hotel would be removed from the platform, without the possibility of any customers reserving a room thereafter at Gateway.<sup>7</sup>
67. On July 24, 2024, the EEOC dismissed Ferguson's charges as he had no employment relationship with Retsel corporation. His charges were filed solely on the directive of NDN to defame the Retsel Corporation.
68. NDN has exhibited a pattern of falsely accusing a larger commercial establishment of being racist, to get financial settlements.

### **COUNT I**

#### **INTENTIONAL INTERFERENCE WITH BUSINESS RELATIONS**

69. Plaintiffs incorporate by reference the facts alleged in paragraphs 24 – 68.
70. Plaintiffs had business relationships with both Bookings.com and Expedia.com
71. Plaintiffs receive more than 80% of their business through the platforms Bookings.com and Expedia.com.
72. NDN Collective, acting through its members, attempted to paint a public image that Gateway, along with the other businesses owned and operated by the Retsel Corporation, were racist and exercised discriminatory practices, to destroy their business and divert individuals from becoming customers and/or consumers of Gateway.
73. Brandon Ferguson ("Ferguson"), a member of the NDN collective, filed a complaint with the Equal Employment Opportunity Commission ("EEOC"). The complaint was baseless and was improper as Ferguson was never employed by Gateway.

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<sup>7</sup> See Exhibit 6.

74. Ferguson, never having an employment relationship with Gateway, intentionally filed the complaint to undermine and harass Gateway's business.
75. Ferguson's complaint was unjustified, once again, as there was never an employer-employee relationship between Ferguson and Gateway. This is made obvious to any individual prior to filing a complaint.<sup>8</sup>
76. That same day, based entirely on this complaint, without doing an investigation on their own, Booking.com removed Gateway from their listings, without allowing an opportunity to challenge.
77. The EEOC issued a dismissal of Ferguson's complaint.<sup>9</sup>
78. NDN Collective filed a class action lawsuit for discrimination against the Retsel Corporation.
79. In response, the United States Department of Justice opened an investigation for Civil Rights violations.
80. Within the span of 3 days, Expedia deactivated Gateway from their platform after being "made aware of [an] unfortunate incident at the property a few weeks prior."
81. Gateway lost 80% of its regular business after being removed from Expedia and Booking, which was a direct result of the intentional actions of NDN Collective members.
82. NDN Collective's lawsuit arose from comments from an individual outside of the scope of her employment with Gateway.

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<sup>8</sup> Filing A Charge of Discrimination, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, <https://www.eeoc.gov/filing-charge-discrimination> ("if you believe that you have been discriminated against at work . . .").

<sup>9</sup> See Exhibit 8.

83. NDN Collective, through its lawsuit, sought to intentionally bring bad publicity, defame and destroy Gateway's business.
84. Multiple NDN members took to social media, defaming Gateway and other businesses owned and operated by the Retsel Corporation.<sup>10</sup>
85. Gateway has lost business from false publicity on social media that was drafted, authored, published, and circulated by NDN Collective members.

## **COUNT II**

### **INJURIOUS FALSEHOOD**

86. Plaintiffs incorporate by reference the facts alleged in paragraphs 24 – 68.
87. Social media posts by NDN Collective members contain false statements intended to harm the Retsel Corporation and destroy the Gateway business.
88. Sunny Red Bear had posted that Gateway Autoplex, owned and operated by the Retsel Corporation, “illegally [ran] her credit.”<sup>11</sup> This statement is completely false, malicious and was posted on Facebook to deter business away from Gateway Autoplex.
89. Hermus Bettelyoun falsely claimed that a Sales Manager at Gateway Autoplex committed corrupt business practices and exhibited poor treatment to their customers. None of these claims have any merit, are completely false, and were posted to Facebook to intentionally deter business from Gateway Autoplex.<sup>12</sup>

## **COUNT III**

### **DEFAMATION**

90. Plaintiffs incorporate by reference the facts alleged in paragraphs 24 – 68.

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<sup>10</sup> See Exhibit 9.

<sup>11</sup> See Exhibit 10.

<sup>12</sup> See Exhibit 11.

91. Upon learning that the Rapid City Marshals football team contracted to stay at the Grand Gateway Hotel, Sunny Red Bear drafted, authored, and published on flyers that (1) Gateway implemented discriminatory policies and (2) staff were racist.
92. Sunny Red Bear told the team that they would make national news for supporting racism if they stayed at Gateway.
93. Upon such fear and belief that Gateway was a racist business, the team canceled their reservation.
94. Gateway has never implemented discriminatory and racist policies.
95. On the contrary, Gateway has always staffed and employed indigenous individuals.

#### **COUNT IV**

#### **FORGERY**

96. Plaintiffs incorporate by reference the facts alleged in paragraphs 24 – 68.
97. On the morning of the shooting at the Gateway Hotel, emails were sent between board members for the Retsel Corporation and the Uhre family on a private email thread.
98. Connie Uhre sent an email to the members on the email chain at 9:13 p.m. on Saturday, March 19, 2022.<sup>13</sup>
99. On the email chain was Paul Braskey.<sup>14</sup>
100. Paul Braskey's fitness trainer is Raynor Whitcombe.
101. Raynor Whitcombe is the husband of Sunny Red Bear.
102. Paul Braskey shared the email thread with Raynor Whitcombe.
103. Raynor Whitcombe shared this information with Sunny Red Bear.

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<sup>13</sup> See Exhibit 12.

<sup>14</sup> See Exhibit 15.

104. Raynor Whitcombe directly or indirectly (through his wife), shared the email correspondence with Hermus Bettelyoun.
105. Hermus Bettelyoun manipulated Connie's email, altering its content. Hermus Bettelyoun shared to Facebook a picture of a forged email.
106. Hermus Bettelyoun posted the doctored email image on Sunday March 20, 2022, at approximately 1:46 p.m.
107. Hermus Bettelyoun altered the email to make it appear as if Nick Uhre sent it.<sup>15</sup>
108. Hermus Bettelyoun also changed the date and time stamp of Connie's original email.<sup>16</sup>
109. Hermus Bettelyoun's post was shared and circulated by other NDN Collective members in an attempt to defame the Gateway business.<sup>17</sup>
110. Hermus Bettelyoun's forged email was noticed by a news station, which circulated the story of Nick Uhre, owner of Gateway, being a racist.<sup>18</sup>

#### **COUNT V**

#### **CIVIL RICO CONSPIRACY**

111. Plaintiffs incorporate by reference the facts alleged in paragraphs 24 – 68.
112. For the past 2 ½ years, since March 2022, Gateway, the Uhre family, and the Retsel Corporation have experienced continuous interference, threats, defamation, trespassing, and distress by NDN Collective, by and through its members.
113. During this time period, NDN Collective as an organization has deliberately tried to destroy the Gateway business, through any means necessary.

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<sup>15</sup> See Exhibit 13.

<sup>16</sup> See Exhibit 14.

<sup>17</sup> See Exhibit 16.

<sup>18</sup> See Exhibit 17.

114. During this time period, NDN Collective has expended substantial money to deter business from Gateway.<sup>19</sup>
115. During this time period, NDN Collective members have vandalized Gateway property by graffitiing company automobiles.
116. During this time period, NDN Collective members set fire to grass surrounding the Gateway Hotel.
117. During this time period, NDN Collective members have made threats to the Uhre family.
118. During this time period, NDN Collective members continuously post on social media completely false defamatory statements about Gateway. These posts are shared, circulated, liked, and commented on by other NDN Collective members.
119. Members of NDN collective have acted in concert and agreement with one another to commit a pattern of racketeering activity.
120. As defined under 18 U.S.C. § 1961 (1), defendants committed a pattern of racketeering activity, through means of wire fraud and extortion.
121. As defined by 18 U.S.C. § 1343, defendants committed wire fraud. Defendants forged an email to make it seem as though Nick Uhre was a racist, with the intention of defrauding the Retsel Corporation and the Gateway Hotel.<sup>20</sup> The doctored email was transmitted through the internet with images and captions, which intentionally lied and claimed that “NICK UHRE SAID HE DON’T WANT NATIVES ON HIS PROPERTY.”<sup>21</sup>
122. As defined by 18 U.S.C. § 1951, defendants interfered with commerce through means of extortion. Defendants continually sent “testers” to the Gateway hotel, solely to record

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<sup>19</sup> See Exhibit 18.

<sup>20</sup> See Exhibit 16.

<sup>21</sup> *Id.*

Employees of Gateway, attempting to film them in a negative light, post to social media, and then circulate the footage to defame the entire business. Through this method of inducing fear in Plaintiffs, defendants were able to rent rooms at the Gateway hotel.

## **COUNT VI**

### **NEGLIGENCE AGAINST THE RAPID CITY POLICE DEPARTMENT**

- 123. Plaintiffs incorporate by reference the facts alleged in paragraphs 24 – 68.
- 124. One of the Core Values of the Rapid City Police Department is to “commit to the community and work together to achieve a safe environment for residents and visitors.”<sup>22</sup>
- 125. The Rapid City Police Department has a duty to investigate reports of harm, harassment, violence, or more broadly, any wrongdoing.
- 126. Nick Uhre called the Rapid City Police Department multiple times regarding threatening and harassing phone calls that he was receiving.
- 127. The Rapid City Police Department never investigated these calls being placed.
- 128. Nick Uhre contacted the Rapid City Police Department in fear of his property, and the safety of his staff and guests, as NDN Collective members vandalized, trespassed, threatened, and incited violence on Gateway property.
- 129. Rapid City Police Department did nothing to investigate Nick Uhre’s concerns.
- 130. The Rapid City Police Department completely breached their duty to protect the citizens of their community.

## **PRAYER FOR RELIEF**

**WHEREFORE**, the Retsel Corporation respectfully requests that the Court enter judgment and relief against Defendants, as follows:

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<sup>22</sup> See Exhibit 20 (Exhibit 19 intentionally omitted).

131. Granting injunctive relief as is necessary to prevent NDN Collective members from further defaming and fraudulently deterring business from Gateway;
132. Ordering NDN Collective issue a public apology for their actions;
133. A judgment awarding the Retsel Corporation all damages adequate to compensate for NDN Collective's interference with Gateway and the other businesses owned and operated by the Retsel Corporation; and
134. A judgment awarding the Retsel Corporation punitive damages based on the continual intentional, malicious, voluntary harm they have had to endure over the past 2 ½ years.
135. Award to Retsel Corporation their costs and reasonable attorneys' fees in this action; and
136. Grant such other and further relief as the Court finds just and proper.

DATED: September 06, 2024

Respectfully Submitted,

/s/ John M. Pierce(Pro Hac Vice admission  
pending)

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# CIVIL COVER SHEET

MAG. JUDGE